

## Section Nine

### **A description of the uniform, nondiscriminatory State-based administrative complaint procedures in effect under section 402.**

Under the current rules and regulations of the Attorney General, consistent with the NVRA, there is a citizen complaint procedure relating to voter registration. Pursuant to the New Jersey Administrative Code, N.J.A.C. 13:17-1.9, any person who believes that he or she has been denied the opportunity to register, or to decline to register, to vote, or to choose a political party preference, may file a complaint with the Attorney General. The complaint must be in writing, signed and dated by the complainant. The Attorney General is obligated to review the complaint and refer it to the appropriate office for action as deemed necessary.

There is a 90-day deadline for administrative handling of the matter. If the violation is not corrected by this deadline, or within 20 days if the violation occurred within 120 days of a federal election, the complainant can file suit in federal district court. A complainant has the right to file suit in federal district court, without first providing any notice to the Attorney General, if the alleged violation occurs within 30 days of a federal election. There is no provision for attorneys fees, costs or damages with the regulatory process.

HAVA requires that there be an administrative complaint procedure to address any alleged violations of Title III as follows. First, the subject matters of the complaint process will include the requirements and rights provided for in HAVA, and therefore, not be limited to the registration process for voting as the above State procedure now encompasses. Second, the complaint will need to be notarized and sworn to by the complainant. Third, the Attorney General, as the chief election official, will have the authority to consolidate complaints. Fourth, the complainant will have the right to request a hearing. Fifth, the Attorney General must establish an “alternate dispute resolution procedure” for those complaints which are not resolved within 90 days. This alternate procedure must be concluded within 60 days.

The HAVA-mandated administrative complaint procedures could be incorporated into New Jersey’s electoral process by way of legislation or through supplementation of the existing regulations noted above.

Either way, the institution of the HAVA administrative complaint procedure, as with the current citizen complaint procedure, should not affect the current statutory procedures relating to election recounts or contests, as set forth in Title 19. It has also been suggested that consideration be given to providing information on the availability of legal resources when a person submits a complaint.



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